

REMARKS/ARGUMENTS

The claims have been rewritten to obviate the rejection under 35 U.S.C. 112 and to distinguish more clearly over the art of record. For the Examiner's guidance, claim 59 incorporates subject matter of claims 1, 2, 10, 11, 23 and 24. Claims 60 and 61 correspond to claim 3. Claim 62 corresponds to claim 9. Claims 63, 64 and 65 correspond respectively to claims 13, 14 and 15. Claims 66, 67 and 68 (indicated as allowable) correspond respectively to claims 17, 18 and 19. Claim 69 corresponds to claim 22. Claims 70-81 correspond to claims 26-37, respectively. Claims 82 and 83 correspond to claim 38 (indicated as allowable). Claim 84 corresponds to combined claims 40 and 42 (indicated as allowable). Claims 85 and 86 correspond to claims 43 and 44 (indicated as allowable). Claim 87 corresponds to claim 45. Claim 88 incorporates subject matter of claims 52, 56 and 57.

Independent claim 59 is respectfully submitted to be patentable under 35 U.S.C. 103(a) over Wan et al, the primary reference, in view of Lippert, the secondary reference.

Independent claims 84 and 88 are believed to be in condition for allowance since they incorporate the subject matter of claims indicated as allowable.

Claim 59 is differentiated from Lippert in reciting **structurally different** articles, and the claim further defines

the sporting articles as a retaining mechanism for a sport shoe and a sport shoe.

Wan et al disclose a method of identifying articles of clothing stored in a wardrobe closet to aid a user in the selection of the clothing. The wardrobe closet is equipped with a software-operated computer and a receiver of electromagnet waves to detect identifying codes on the stored clothing articles. The wardrobe closet may be connected to a wide area network (WAN), for instance the Internet, and the user will have information derived from the content of the wardrobe closet as well as the Internet. This information may be used, for example, in relation to the color and texture of matching clothing articles to warn the user against selecting articles that do not match. The matching of stored clothing articles is detected only when the articles are removed or bought from the wardrobe closet. There is no detection of specific persons who will wear the clothing. This method aids a shopper in the selection of clothing articles and indicates the shopper's choices so that it may also help in market research.

Lippert deals with a rental system for sporting articles at a sports facility which has an access permission data carrier comprising personal identification and access permission data accessible by an access terminal. This access terminal has a reading device the data. A rented ski, for example, has a

contactlessly functioning data support and on which the same personal identification data are stored as in the access permission data support. The contactlessly functioning data support is connected by a reading device to a device that compares the personal identification data on the on the data support with the date on the access permission data support. If the data do not correspond, access is denied. A contactlessly functioning data support may also be provided on other rented sporting articles to assure the coordination of sport shoes, ski binding and matching ski or snowboard for each renter of these articles. This also facilitates the inventory of the rental agency. Furthermore, the data supports may also store data concerning the rental fees. This rental system prevents abuses in the rental of sporting articles, such as the transfer of rented articles to unauthorized persons.

It is an object of the invention recited in claim 59 to improve an electronic tracking system for a combination of structurally different sporting articles including a retaining mechanism for a sport shoe and a sport shoe, in which a variety of identifying codes may be contactlessly detected to insure the safe use of the articles. Accordingly, the system comprises

- (a) at least two code transmitters integrated respectively in the retaining mechanism for the sport shoe and in the sport shoe and assigned to the retaining mechanism and the sport shoe,

- (1) at least one of the code transmitters assigned to the retaining mechanism containing and displaying data relating the properties and or settings of the retaining mechanism, and
  - (2) at least one of the code transmitters assigned to the sport shoe containing and displaying data relating the properties and or settings of the sport shoe, and
- (b) at least one control unit for contactlessly detecting the data of the code transmitters, the control unit being arranged to check and detect the correct matching of the sporting articles.

This assures the safety of the use of the sport shoe and the retaining mechanism therefor (the binding). A specific aspect and improved performance are assured by the combination of allowable claim 84.

Nothing like this is suggested by the art of record. Wan et al are remote from the claimed subject matter and Lippert, while dealing with sporting articles, propose a system which prevents the wrongful use of rented sporting articles. In contrast to this, applicant provides a system which enables the automatic adaptation and adjustment of a binding to a sport shoe it is designed to retain. Their proper matching can be automatically tracked and the safety of the user can be assured by signaling mismatching of articles that are used together. Thus, the system

improves the personal safety of a user and prevents mismatched  
bindings and sport shoes from being used. The contactless  
detection of the codes on the articles to be used together  
dependably monitors their safer use together. Neither Wan et al  
nor Lippert suggest a tracking system assuring the safe combined  
use of a sport shoe and its retaining mechanism to a person of  
ordinary skill in the art, nor do they make the combination of  
the claimed features to attain this object obvious. Accordingly,  
claim 59 is respectfully submitted to be patentable. Claims 60-  
83 depend thereon and are believed to be allowable therewith.  
Claims 84-88 are believed to be in condition for allowance.

Applicant attaches a petition for a one-month extension.

A sincere effort having been made to overcome all grounds of  
rejection, favorable reconsideration and allowance of claims 59-  
88 are respectfully solicited.

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